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| 10/693,279 | 10/23/2003 | Arthur Howarth | CISC/P347/7692 | 4138 |
| 22434 7590 04/28/2009 Weaver Austin Villeneuve & Sampson LLP P.O. BOX 70250 OAKLAND, CA 94612-0250 | | | | |
| EXAMINER NGUYEN, DUSTIN | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,279

Applicant(s)

HOWARTH ET AL.

Examiner

DUSTIN NGUYEN

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date 02/05/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/05/2009 has been entered.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 is directed to a computer program product in a computer readable medium wherein the computer readable medium, according to paragraph 0082 of specification, also includes airwaves. Applicant has provided evident that Applicant intends the medium to include signals as such the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim is not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or

manufacture. Energy is not combination of substances and therefore not a composition of matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. [US Patent Application No 2002/0083342], in view of Saito et al. [US Patent No 7,218,643].

6. As per claim 1, Webb discloses the invention as claimed including a computer readable medium for providing controlled access to a home network [i.e. accessing devices on private networks via clients on a public network] [Figure 1; and Abstract], the computer program including instructions for causing one or more devices of the home network to perform steps comprising:

receiving a log-in attempt from a remote user [i.e. gateway accepts user's log-in request] [210, Figure 4; Abstract; and paragraphs 0008 and 0047], the log-in attempt originating from an Internet protocol address [i.e. public internet network] [12, Figure 1; and paragraphs 0044 and 0045];

verifying that the remote user is an authorized user of the home network [i.e. determine whether authorize to access] [220, Figure 4; and paragraphs 0047 and 0048];

generating a network address translation rule associating the Internet protocol address with a port of a device on the home network [i.e. address mapping] [Figure 2; and paragraphs 0044, 0045 and 0049];

displaying a graphical user interface to the remote user [i.e. browser] [240, Figure 4; and paragraphs 0032 and 0049], the graphical user interface allowing the remote user to select only content or services that the remote user is authorized to select [i.e. access rights for particular device] [230, Figure 4; and paragraphs 0009 and 0050];

receiving a selection request from the remote user [i.e. user selects link] [250, Figure 4; and paragraphs 0032 and 0051];

providing content or services to the remote user according to the selection request [i.e. serve web page to user's client] [280, Figure 4; and paragraphs 0009, 0010 and 0051], wherein the receiving, verifying, generating, and providing are performed by one or more devices of the home network [14, Figure 1; Abstract; and paragraphs 0008-0011, 0044 and 0047].

Webb does not specifically disclose receiving content from the device using a content protocol and without accessing a web server.

Saito discloses receiving content from the device using a content protocol and without accessing a web server [i.e. home gateway receives content from transmission node in a home for transmitting to reception node on the Internet] [Figures 40, 42, 48; col 25, lines 58-col 26, lines 12; and col 28, lines 9-49].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Webb and Saito because the teaching of Saito would allow to provide a relay device and a communication device capable of realizing the contents protection procedure between devices that are not connected to the same network [Saito, col 2, lines 16-24].

7. As per claim 2, Webb discloses instructions for causing a gateway of the home network to transmit authentication information regarding the remote user to one or more devices of the home network after verifying that the remote user is an authorized user of the home network [i.e. redirect client request to web server of device] [250, Figure 4; Abstract; and paragraphs 0010 and 0045].

8. As per claim 3, Webb does not specifically disclose instructions for causing a gateway of the home network to communicate with the remote user according to a first protocol different from a second protocol used for communication between the gateway and one or more devices of the home network. Saito discloses instructions for causing a gateway of the home network to communicate with the remote user according to a first protocol different from a second protocol used for communication between the gateway and one or more devices of the home network [i.e. http and 1394] [Figure 40; and col 28, lines 9-49]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Webb and Saito because the teaching of Saito would allow to provide a relay device and a communication

device capable of realizing the contents protection procedure between devices that are not connected to the same network [Saito, col 2, lines 16-24].

9. As per claim 4, Webb discloses wherein the first protocol is HTTP [paragraphs 0028 and 0030].

10. As per claim 6, it is rejected for similar reasons as stated above in claims 1. Furthermore, Webb discloses a gateway configured to provide controlled access to a home network, the gateway comprising: a first port configured to receive a log-in attempt from a remote user, and a second port configured for attaching a network device of the home network [Abstract; and paragraphs 0009, 0010, 0044 and 0045].

11. As per claim 7, it is rejected for similar reasons as stated above in claim 1.

12. As per claim 8, it is rejected for similar reasons as stated above in claim 6.

13. As per claim 9, it is rejected for similar reasons as stated above in claim 3.

14. As per claim 10, Webb discloses wherein the first network device comprises a personal computer or a network attached storage device [10, Figure 1; and paragraph 0042].

15. As per claim 11, it is rejected for similar reasons as stated above in claim 1. Furthermore, Webb discloses a second network device, the gateway being further configured to: receive a second selection request from the remote user; and provide services to the remote user from the second network device according to the second selection request [250-280, Figure 4; and paragraphs 0047-0050].

16. As per claim 12, Webb discloses wherein the second network device is a webcam or a device for streaming audio data [18-24, Figure 1; and paragraphs 0003 and 0004].

17. As per claims 13 and 14, they are rejected for similar reasons as stated above in claims 1 and 2.

18. As per claim 15, it is rejected for similar reasons as stated above in claim 3.

19. As per claims 16 and 17, they are rejected for similar reasons as stated above in claims 4 and 5.

20. As per claim 18, it is rejected for similar reasons as stated above in claim 1.

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. [US Patent Application No 2002/0083342], in view of Saito et al. [US Patent No 7,218,643], and further in view of Min et al. [US Patent Application No 2006/0037036].

22. As per claim 5, Webb and Saito do not specifically disclose wherein the second protocol is one of Windows networking (smb) or UPnP. Min discloses wherein the second protocol is one of Windows networking (smb) or UPnP [Figures 1 and 2; paragraphs 0003 and 0017]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Webb, Saito and Min because the teaching of Min on UPnP protocol would provide a remote control method of a home network to control devices connected to a home network system at a remote area by setting the UPnP CP provided to the UPnP-based home network system at a home agent in the UPnP home network system and at a remote control point of a remote terminal [Min, paragraph 0071].

23. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

24. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/
Primary Examiner, Art Unit 2454